

REMARKS

Claims 1-17 and 19-51 are currently pending in the application. Claims 1-17, 19-22, 24-34 and 49-51 have been rejected. Claims 1-6, 9, 11, 14-16, 23-29, 31-34, 49 and 50 have been amended. Claims 52-61 have been added. Claims 17, 19-22, 35-48 and 51 have been canceled. Claim 18 previously was canceled, and claims 35-48 previously were withdrawn in response to a restriction requirement. Therefore, claims 1-16, 23-34, 49, 50 and 52-61 will be pending in the application after entry of the foregoing claim amendments.

In Applicants' previous response dated April 2, 2007, Applicants elected claims in Group I with traverse pursuant to a restriction requirement by the Examiner. Applicants hereby elect Group I without traverse, and reserve the right to pursue the non-elected claims in one or more divisional applications.

The specification has been amended to properly cross-reference a related application and to reflect Applicants' claim of priority under 35 U.S.C. § 119(e) to U.S. Provisional Application Ser. No. 60/433,305, filed on December 13, 2002. Applicants respectfully request that the Examiner acknowledge priority under 35 U.S.C. § 119(e) as indicated in Applicants previous response.

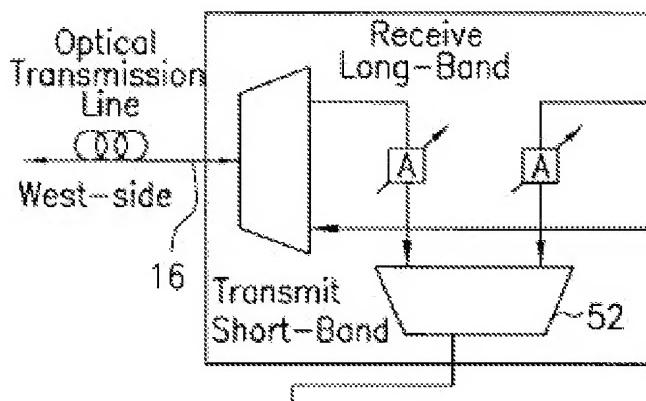
Independent claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,411,407 ("Maxham"). In particular, the Office Action contends that "the left-most attenuator" and "the right-most attenuator" in Maxham's FIG. 4 constitute the first optical attenuator and the second optical attenuator recited in claim 1. Without conceding the merits of the rejection, Applicants have amended claim 1 to further clarify the claimed embodiments.

As amended, claim 1 recites, in part, an amplifier station having at least two optical attenuators. The first optical attenuator receives a signal propagating in a first direction from a first optical coupler/decoupler. The second optical attenuator receives a signal propagating in a second direction from a second optical coupler/decoupler. The two signals are combined via an optical coupler.

As noted in the present specification, the two signals may come from fiber spans having different lengths (*Specification* at p. 14, ll. 4-5). As a result, the two signals may be at significantly different power levels (*id.* at p. 14, ll. 6-7). To correct for this power variation,

the claimed embodiments include the first and second optical attenuators, which may provide an optimum equalization scheme (*id.* at p. 14, ll. 7-10). Nowhere does Maxham disclose the use of an attenuator as part of a power equalization scheme. In fact, the term “attenuator” does not even appear anywhere in Maxham’s written disclosure.

The Office Action contends that Maxham’s FIG. 4 (partially reproduced below) discloses a pair of attenuators  connected to a combiner 52 (Office Action dated July 11, 2007 (“Office Action”) at p. 2). Applicants respectfully submit that Maxham does not define or describe the element  as an attenuator anywhere in its written disclosure.



For example, in its description of FIG. 4, Maxham merely notes that the “short-band signals received from the east-to-west direction 20 and long-band signals received from the west-to-east direction are combined in a combiner 52 and provided on a line 54 to a two-stage amplifier 56” (Maxham at col. 5, ll. 15-19). Maxham is silent with respect to the function of the depicted elements  before the short-band and long-band signals are combined in the combiner 52.

Moreover, Maxham uses a similar symbol  in FIG. 5 to describe an optical supervisory channel add filter, and not an attenuator. Thus, there is no suggestion in Maxham that the element  is an attenuator.

Accordingly, Applicants respectfully submit that claim 1 patentably defines over the cited reference because Maxham does not teach or suggest the first and second optical attenuators, as recited in claim 1. Applicants respectfully request, therefore, that the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn.

Claim 31 stands rejected under 35 U.S.C. §102(b) as being anticipated by Maxham. As amended, claim 31 recites, in part, power matching an eastbound signal and a westbound signal and then combining the power matched eastbound and westbound signals.

Thus, Applicants respectfully submit that claim 31 patentably defines over Maxham for at least the same reasons discussed above with respect to claim 1. Applicants respectfully request that the rejection of claim 31 under 35 U.S.C. §102(b) be withdrawn.

Claims 2, 3, 7, 8, 24, 30, 49 and 50 stand rejected under 35 U.S.C. §102(b) as being anticipated by Maxham. Claims 4-6, 32 and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maxham in view of U.S. Patent Application Publication No. 2002/0027703 (“Kinoshita”). Claims 9-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maxham in view of U.S. Patent No. 6,757,098 (“Berg”). Claims 25-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maxham. Claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Maxham in view of U.S. Patent No. 6,480,312 (“Okuno”).

As claims 2-16, 24-30, 49 and 50 depend from claim 1, and claims 32-34 depend from claim 31, Applicants respectfully submit that the dependent claims likewise patentably define over the cited references. Applicants respectfully request, therefore, that the rejections of the dependent claims be withdrawn.

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants appreciate the Examiner’s recognition of allowable subject matter.

Newly added claims 52-61 have been added to further define the claimed embodiments. Like claim 31, newly added independent claim 55 recites, in part, power matching an eastbound signal and a westbound signal and then combining the power matched eastbound and westbound signals. Thus, Applicants respectfully submit that claim 55 patentably defines over the cited references for at least the same reasons discussed above.

As claims 52-54 depend from claim 31, and claims 56-61 depend from claim 51, Applicants respectfully submit that the newly added dependent claims likewise patentably define over the cited reference.

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CONCLUSION

In view of the foregoing, Applicants respectfully submit that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Bryan T. Giles at (215) 564-8954, to discuss the resolution of any remaining issues.

Respectfully submitted,

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